United Nations A/HRC/30/NGO/142

General Assembly

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9 September 2015

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15325(E)

Please recycle

Arbitrary detention in Egypt and Switzerland and the United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court

International-Lawyers.Org expresses its appreciation for the efforts of the Working Group on Arbitrary Detention (WG), which plays a crucial role in the protection of the human rights of the most vulnerable persons in the world.

We welcome especially the United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court in UN Doc. A/HRC/30/37 (2015) and especially article 6 that states that a court must be a "competent, independent and impartial judicial authority."

We draw to the WG attention the serious situation of widespread arbitrary detention in Egypt, where arbitrary detention is being used by authorities that came to power by a military coup to treat the members of the elected government of President Mohammed Morsi and his supporters in an inhumane and degrading manner. Although we appreciate that the WG has acted in an urgent manner on several complaints of arbitrarily detained Egyptians, there are dozens who have neither the means nor ability to communicate to the WG. We note that President Morsi himself and his leading supporters such as Mr. Khierat al-Shater, and many others, remain in detention—detentions that are illegal under Egyptian law as well as arbitrary and contrary to international human rights law. These detentions constitute serious, widespread violations of human rights that are reliably attested by human rights bodies and not even denied in full by the Egyptian authorities. We ask the WG to consider bringing this issue to the Council's mechanism for Situations with a view to taking action to end these massive abuses of human rights that include the wilfully unfair trials, arbitrary detentions, and inhumane conditions of detention.

We also call on the Working Group to act on the case of Dr. Mohamed el-Ghanam a prominent Egyptian who was granted asylum in Switzerland and then subjected to almost a decade of arbitrary detentions for his refusal to spy on fellow Muslims on behalf of the Swiss State. Although a Swiss court released Dr. el-Ghanam from his detention—which was allegedly on grounds of mental illness, but in a facility that had no facilities to treat mental illness—he remains incarcerated in a secure medical facility although he has never committed or been convicted of a crime of any magnitude. We urge the WG, which is already vested of this case, to remind the Swiss authorities of their obligation to compensate Dr. el-Ghanam his arbitrary detention and that he remains arbitrarily detained in the secure facility that prevents him from seeking treatment of his own choosing despite the fact that he has never been convicted of a crime. We also note in this regards, that any mental illness from which he may suffer is likely the result of his inhumane and degrading treatment by the Swiss authorities over an extended period of time.

For further information please contact: Office@International-Lawyers.Org

United Nations A/HRC/30/NGO/143

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Human Rights Council
Thirtieth session
Agenda item 5
Human rights bodies and mechanisms

Written statement* submitted by the International Indian Treaty Council (IITC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15326(E)

Please recycle

Report of the open-ended meeting of indigenous peoples on the follow-up to the world conference on indigenous peoples focusing on op 28 and op 33 of the WCIP outcome document
March 3-5, 2015
Geneva, Switzerland

Report on the discussion on improving EMRIP's mandate and participation of indigenous people's representative institutions

The Asian Indigenous Peoples Pact, the International Indian Treaty Council, the National Congress of Australia's First People and the Sami Parliament of Norway hosted an open-ended meeting of Indigenous Peoples on 3 - 6 March 2015 in Geneva. The meeting brought together an ad-hoc group of representatives of Indigenous Peoples institutions and organizations from all seven regions to discuss the follow-up of the World Conference on Indigenous Peoples, in particular paragraphs 28 and 33 of the outcome document. The purpose of the meeting was to discuss informally about possible ways forward including potential options for further discussion in the regions.

I. Discussion on Improving the Mandate of the EMRIP

In reference to Operative Paragraph of the Outcome document from the World Conference on Indigenous Peoples which states, *"[w]e invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism on the Rights of Indigenous Peoples so that it more effectively promotes respect for the Declaration including by bettering assisting member states to monitor, evaluate and improve the achievement of the ends of the Declaration"*, Indigenous Peoples representatives attending the meeting from all 7 Indigenous regions made the following recommendations:

1. The Human Rights Council should initiate, preferably by resolution, the process of reviewing the mandate of EMRIP as called for in OP 28 of the Outcome Document of the World Conference on Indigenous Peoples, in a way which ensures the full and effective participation of Indigenous Peoples.

2. An improved EMRIP mandate should complement the mandates of the Special Rapporteur on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to achieve the ends of the Declaration, and to collaborate and take actions on issues concerning Indigenous Peoples.

3. In addition, an improved EMRIP mandate must include:

(1) facilitating face to face dialogue between States and indigenous peoples' representatives, including possibly at the national level;

(2) providing technical assistance and advice to States, Indigenous Peoples and the private sector to overcome obstacles to implementing the Declaration;

(3) providing, upon request by states or indigenous peoples practical and technical advice to member States and Indigenous Peoples to prepare and monitor the implementation of achieving the ends of the Declaration, including the national implementation plans and legislative, policy and administrative measures;

(4) providing advice for the implementation of recommendations of UN human rights bodies for which there is substantial consensus between States and Indigenous Peoples;

(5) gathering, receiving, and considering information from all sources, including states, indigenous peoples and UN expert bodies and mandate holders, among others; preparing and disseminating reports and recommendations; carrying out country visits; issuing general observations relating to the rights of Indigenous Peoples and individuals;

sharing information about best practices; issuing interpretations of the provisions of the Declaration; and collaborating and taking joint action with other special mandate holders;

(6) seeking and receiving communications and other information from States and Indigenous Peoples on specific cases and matters of concern for the rights in the Declaration, including conducting thematic, country or case specific hearings with the participation of States and Indigenous Peoples addressing core issues of cross cutting relevance to the implementation of the Declaration;

(7) building the capacity of Indigenous Peoples to engage effectively with States and the United Nations, including technical assistance and facilitating issues and complaints being channeled more effectively to existing UN human rights mechanisms;

(8) contributing to the work of the Universal Periodic Review process and the Treaty Bodies, which have an existing role in ensuring states meet their obligations;

(9) making proposals to the Human Rights Council regarding gaps in existing standards or norms for the protection of Indigenous Peoples' human rights;

(10) undertaking studies and research at the request of Indigenous Peoples, States and the Human Rights Council, taking into accountsubmissions and proposals from States and Indigenous Peoples and providing expert advice and recommendations to the Council based on these studies;

(11) providing continuing follow up for key studies elaborated by the Working Group on Indigenous Populations, in particular the studies on Treaties, Agreements, and Constructive Arrangements and Indigenous Peoples' Permanent Sovereignty over Land and Natural Resources.

(12) recommending themes and assisting the Office of the High Commissioner of Human Rights to organize expert seminars addressing issues related to the rights of Indigenous Peoples based on identification of overarching themes and concerns presented by States and Indigenous Peoples;

(13) providing input to Working Group on Human Rights, Transnational Corporations and other Business Enterprises and other UN mechanisms and bodies regarding implementing the Rights of Indigenous Peoples; and

Structural Points

1. The EMRIP must be composed of independent experts with relevant expertise, capacity, and experience.

2. The process for selecting experts must include both states and Indigenous Peoples' representative institutions.

3. The EMRIP should have adequate financial and human resources to effectively fulfill its mandate.

4. The criteria for EMRIP members, as a whole, should be strengthened to require indigenous legal expertise, including judicial and/or Indigenous traditional legal expertise. Regional and gender balance should be taken into account.

5. The EMRIP should have at least ten days of meeting time each year, to include open, closed, and intercessional meetings.

II. Discussion on Participation

1. Consistent with the right of self-determination, we strongly recommend broad, full and effective participation in all bodies of the United Nations in terms of where Indigenous Peoples' representative institutions themselves determine that issues under discussion in those bodies and processes would affect their rights. Indigenous Peoples' representative institutions will determine which bodies and processes are relevant to their rights.

2. We emphasize the UN Declaration on the Rights of Indigenous Peoples as the minimum standard for Indigenous Peoples' participation, in particular Articles 3 and 18. In this regard, we also recall Articles 5, 6, 26 and 41.
3. The current rules for engagement are deficient for ensuring the full and effective participation of Indigenous Peoples' representative institutions in United Nations processes.
4. We recall Theme 2, paragraph 10 of the Alta Outcome Document, which calls for "*at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include inter alia our traditional councils and authorities*". The focus and primary purpose of Operative Paragraph 33 is to find ways and means for these representative bodies to function under a new status allowing them to participate fully and effectively.
5. We recall the Report of the United Nations Secretary-General, "*Ways and Means of Promoting Participation at the United Nations of Indigenous Peoples' Representatives on Issues Affecting Them*", stating, "*[t]o the extent that it has been permitted to date,indigenous peoples' participation at the United Nations has been a positive experience. It has enabled indigenous peoples who had been historically excluded to work together peacefully and in partnership with States to advance their issues and rights. It has been a process of mutual trust-building, premised on equality and equity among stakeholders, and had led to fruitful outcomes and greater commitments by indigenous peoples, States and the United Nations system to strengthen recognition and respect for indigenous peoples' rights.*" [A/HRC/21/24].

Proposals for Further Discussion

1. A new category of Permanent Observer Status should be created for Indigenous Peoples' representative institutions and other representatives chosen by themselves in accordance with their own procedures.
2. There should be a new process and body for accrediting Indigenous Peoples' representative institutions. The General Assembly, with the full and effective participation of Indigenous Peoples' representative institutions, should create a new committee to carry out the accreditation process, taking into account regional differences.
3. Participation of Indigenous Peoples' representative institutions should include attending UN meetings and conferences, including country reviews by the Treaty Bodies and the Universal Periodic Review, submitting written statements, making oral statements and proposing agenda items; they should have priority in regard to seating and order of speaking and should have the same ability to submit written and oral statements and participate in drafting resolutions as member states.
4. Participation should be permitted in all bodies and agencies relevant to indigenous interests, as determined by Indigenous Peoples' representative institutions.
5. Indigenous Peoples' representatives from all regions should be able to fully participate in the process of accreditation, including determining criteria for accreditation and implementing an accreditation process.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted the Association for Progressive Communications (APC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the !anguage(s) received from the submitting non-governmental organization(s).

GE.15-15327(E)

Please recycle

Bangladesh: bloggers and online activists at risk*

Declining situation for secular bloggers and online activists

The deadly situation facing secular bloggers in Bangladesh presents a grave threat to freedom of religion and belief, as well as the right to freedom of opinion and expression. On the afternoon of August 7, 2015, the Bangladeshi blogger, Niladri Chattopadhyay, was brutally murdered by five assailants armed with machetes. Chattopadhyay, who used the pen name Niloy Neel, was the fourth blogger murdered in Bangladesh this year for their writing on religious, political and social issues, including critique of conservative religious political movements in the country[1].

Although blogging and online activism in Bangladesh is not new, violence has increased since 2013, when a blogger, Ahmed Rajib Haider, was brutally murdered outside his house during the Shahbag protests[2]. Following the protests, a campaign was created by the group Hefazat-i-Islam, labelling all bloggers as atheists and anti-Islamic blasphemers, demanding that they be hanged to death.

In response to this campaign, a government committee was formed, consisting of nine members. The committee, titled "A Committee to track bloggers and Facebook users who made derogatory remarks about Islam and the Prophet Muhammad (PBUH)" prepared a list of 84 bloggers with an aim to take action against them for their allegedly 'anti Islam' writings[3]. The list was later leaked to the public and has since served as a "kill list" for extremist elements.

Since February of 2015, bloggers Avijit Roy[4], Ananta Bijoy Das[5], Washiqur Rahman Babu[6], and most recently, Niladri Chattopadhyay[7] have all been killed in separate attacks after being named on the list.

Impunity for violence against bloggers

To date, there has been a disturbing lack of commitment by the authorities to pursuing the perpetrators. In more than one instance, complaints of threats were registered with police by the victims before their deaths, but were never acted on by authorities. In May 2015, Niladri Chattopadhyay reported on his pen name Facebook page that he had been followed home after attending a demonstration demanding justice for the murder of the blogger Ananta Bijoy Das. When he tried to file a general diary with the police, Chattopadhyay was told that the police do not usually register reports of this kind, since the officer who registers the report will be accountable for the safety of the person filing the general diary, and could lose their job if there are problems[8]. All police stations visited by Chattopadhyay refused to register his general diary. After Niladri Chattopadhyay was murdered, the Inspector General of Police's response was to warn bloggers not to "cross the line" and to avoid hurting religious sentiments[9].

1 https://globalvoicesonline.org/2015/08/07/no-country-for-secular-bloggers-four-bangladeshi-bloggers-killed-in-2015/
2 https://en.wikipedia.org/wiki/Ahmed_Rajib_Haider
3 https://advocacy.globalvoicesonline.org/2013/04/01/bangladesh-authorities-go-after-anti-muslim-bloggers/
4 http://www.ifex.org/bangladesh/2015/02/27/blogger_killed/
5 http://www.ifex.org/bangladesh/2015/05/13/blogger_killed/
6 http://www.ifex.org/bangladesh/2015/03/30/blogger_murdered/
7 http://www.ifex.org/bangladesh/2015/08/10/niloy_neel_killed/
8 http://www.dhakatribune.com/crime/2015/aug/07/niloy-neel-was-advised-police-leave-country
9 http://bdnews24.com/bangladesh/2015/08/09/igp-suggests-bangladesh-bloggers-to-not-cross-the-line-not-write-blogs-that-may-hur eligious-sensitivities

While the recent arrest of three men in connection to the murders of Avijit Roy and Ananta Bijoy Das is a promising step towards justice[10], much work remains to ensure an enabling environment in which opinions and beliefs can be expressed without fear of violent reprisal.

Crackdown on freedom of expression online in Bangladesh in the context of religion

The government of Bangladesh is tightening controls over freedom of expression online through repressive laws and practices, often in the context of religion. In 2013, Bangladesh amended the Information, Communication and Technology Act, which already included provisions that were incompatible with Bangladesh's obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). In particular, Section 57 of the Act to criminalises the publishing of material deemed to be fake or offensive, or "causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization". The vague and overbroad language included in Section 57 imposes restrictions on freedom of expression that go beyond what is permissible under Article 19(3) of the ICCPR, meaning that they are not necessary and proportional to achieve a legitimate purpose. Restricting expression that could damage the "state's image", cause the "deterioration" of law and order, or hurt "religious belief" can be used to silence criticism of the government or religious authorities, and in particular target marginalised and minority voices.

The broad language used in the Act can be applied to convict a person for posting something online that is critical of government policy, or other forms of expression that are protected under international human rights law. The Act stipulates that crimes committed online will be punished more severely than those that take place offline. According to the Act, officers may arrest a suspect without a warrant or any means of judicial approval and keep that person in detention for an indefinite period without bail. Additionally, it sets a minimum sentence of 7 years' jail time for offenses, such as damage to computer systems, hacking, publishing fake content, breach of access, with a maximum 14 years, as opposed to the original 10.[11] There is a fear that amendments to the Act may be designed to stifle the legitimate exercise of public criticism and to subject various persons including journalists, bloggers, and human rights defenders to arbitrary detention for indefinite periods without bail, giving near absolute power to the investigating agencies and leaving regular citizens with very little opportunity for recourse.[12]

In 2014, the government passed a Broadcast Policy that prohibits broadcasters from disseminating any news, photos, or videos that could tarnish the image of law enforcement agencies and armed forces. The policy prohibits any broadcasts that, directly or through advertisements, run counter to the government or public interest, and forbids the broadcasting of news that could cause "communal discord" or impede national security, according to media reports.

Recommendations

10 http://www.theguardian.com/world/2015/aug/18/briton-touhidur-rahman-arrested-in-bangladesh-over-murders-of-secular-bloggers

11 https://advocacy.globalvoicesonline.org/2013/09/[illegible]angladeshs-ict-act-stoops-to-new-lows/

12 http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/11/ICT-Brief-Final-Draft-20-November-2013.pdf

The UN Human Right Council, its members and observer states should urge the Government of Bangladesh to:

1. Ensure the protection of freedom of expression in the context of religion for all individuals and all communities at all times, including bloggers and online activists, by recognizing that freedom of expression is essential to sustaining a pluralistic society and by respecting all religious belief and opinions
2. Create an enabling environment for the exercise of freedom of expression in the context of religion, by implementing laws, and accompanying policy measures relating to freedom of expression in the context of religion in a non-discriminatory manner.
3. Reform the Information, Communication and Technology Act (2006) as amended in 2013 so that it is consistent with Bangladesh's legal obligations under the ICCPR, in particular by amending Section 57 so that any restrictions on freedom of expression fall within the guidelines outlined by Article 19(3) and are necessary to a legitimate aim and proportionate to the harm caused by the expression.
4. Halt the crackdown against bloggers and journalists practising their rights to free expression, including secular speech.
5. End impunity for violence against journalists, bloggers and online activists, including those who are targeted for being labeled as atheists and anti-Islamic blasphemers, or because their writings are perceived as 'anti Islam', as causing hurt or may hurt religious belief, or criticising the conservative religious political movements.
6. Immediately ensure the safety, non-discrimination and well-being of all Bangladeshis, by deploying protection mechanisms for bloggers and other citizens of the internet, so that future instances of violence can be averted and addressed.

APC is an international NGO with ECOSOC consultative status, as well as a network with 46 members in 34 countries, mostly in the global south. APC dedicated to the use of information and communication technologies (ICTs) for social justice, development and human rights. Bytes for All, Pakistan is a human rights organization and a research think tank with a focus on ICTs for sustainable development and strengthening human rights movements in the country.

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*Bytes for All, Pakistan, NGO without consultative status, also shares the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted the Asian-Eurasian Human Rights Forum, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15329(E)

Please recycle

Human Right of IDPs

Mr. Chairman,

Twenty-five years ago, in 1990, more than four hundred thousand people of a religious minority, called Kashmiri Pandits, in the Indian part of the State of Jammu and Kashmir, were forced out of their millennia-old homeland of Kashmir Valley at gun point. Externally sponsored and abetted religion-based terrorists forced them out of their homes and hearths.

This small religious minority community, documented as "reverse minority" in the definition of "minority" in UNHRC Working Group on Minorities, and in fact the indigenous people of the region, has braved many onslaughts of human aberration and vicissitudes of history till it was reduced to a bare seven per cent of the total population of Kashmir before their forced exodus. After wholesale ethnic cleansing in Kashmir, this miniscule community got widely dispersed in different parts of the Indian Union but did not cross the national borders. The hardships of enforced exile hardly need to be elucidated.

Notwithstanding the fact that this religious minority fulfills the criterion of Internally Displaced Persons in consonance with the definition of IDPs in the UN Human Rights Charter, the Government of India and the Government of the federating State declined to give them the proper nomenclature of IDPs thus depriving them of the rights accruing to them by the UNHRC definition. They are given the sobriquet of "Migrants" which is unrealistic as well as unjust. It is rather adding salt to their wounds.

During last twenty-five year period of their exile, the Government of India never made any serious effort of rehabilitating them back in their original homeland perhaps owing to insecure conditions in the region.

The coalition governments that assumed power in the federating State in February last, has incorporated in its Common Minimum Programme the task of return and rehabilitation of the internally displaced ("migrant") community back in their homeland

In pursuance of this stipulation, the Prime Minister of India and the Chief Minister of the federating State met in May 2015 in New Delhi and agreed on the return and concentrated rehabilitation of the displaced community back in their original place of Kashmir Valley.

Within 24 hours of this formal announcement, the majority religious community in Kashmir Valley, prompted by the local prejudicial leadership, staged massive opposition to the return and concentrated rehabilitation of the small religious minority of Kashmiri Pandit IDPs to their homeland. Political leaders in Kashmir gave a call for strike and suspension of normal life by way of protest. The strike was complete.

In the Legislative Assembly of the federating State, which happened to be in session at that time, treasury benches (barring a few) as well as the opposition members, forcefully, rather vengefully, opposed the return and concentrated rehabilitation plan for the displaced persons back in their homeland. Some of the diehards among them demanded an apology from the extirpated community why it departed and not surrendered either for conversion of faith or submission to their sword.

The Chief Minister of the federating State changed the goalpost more than once, mincing words and speaking in parables but not making any commitment to what he had agreed to

in the Common Minimum Programme and also in the course of his meeting with the Prime Minister of India, followed by official announcement.

The Prime Minister of India, on knowing the reaction of the majority community in Kashmir, has remained tight-lipped. Obviously, he is dragging his feet. Vote bank politics has supervened universal human rights.

Mr. Chairman, it is a clear instance of the majority community rigorously perpetuating exclusiveness through ethnic cleansing of a region undertaken twenty-five years ago. The governments of the federating state and the Union of India are not disposed to take any action and fulfill their duty of upholding the rights of the internally displaced persons to return and restitute in their homeland in a manner they feel safe and secure.

Mr. Chairman, the oppressed and exiled community of Kashmiri Pandits is the indigenous population of the region with five thousand years of written history; it is the victim of ethnic cleansing, it is a miniscule religious minority living in exile for last two decades and half, and it is a totally defenseless community suffering innumerable hardships like discrimination, extirpation, exile and persecution. The majority community in the region of their origin considers the valley something like a private estate where the original inhabitants cannot enjoy the right of settlement and development.

Mr. Chairman, the Government of India failed (a) to provide security of life and property to the religious minority of Kashmiri Pandits in the face of externally sponsored religion-based terrorism in 1990. This is tantamount to abuse of the Constitution of India which promises that Indian State will uphold the right to life of its citizens: (b) Government of India has knowingly refused to give these victims of ethnic cleansing their proper nomenclature of Internally Displaced Persons and calls them "Kashmiri Migrants" which is blatant distortion of history and denial of rights: (c) Government of India has failed to take a bold and humanistic step of concentrated rehabilitation of the displaced community in their homeland and (d) the Government of India has succumbed to majority pressure because of vote bank politics and, in the process, has compromised with the violation of the rights of the Kashmiri Pandit IDPs.

Finally, Mr. Chairman, our NGO demands that the government of India formally declare Kashmiri Pandits as Internally Displaced Persons in accordance with the proper definition scripted in the UNHRC documentation. We also demand that the UNHRC emphasize upon the Government of India to rehabilitate the Kashmiri Pandit IDPS back in their homeland wherever and in whatever manner they feel satisfied without refoulment.

Kashinath Pandita

Secretary General,

AEHRF

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Human rights situations that require the Council's attention

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

The UN Human Rights Council must address abuses against civilians in Yemen conflict

Background:

Through field research in Yemen in May, June and July 2015, Amnesty International has gathered evidence that all parties to the conflict have committed violations of international humanitarian law. Amnesty International delegates visited the sites of scores of air strikes and ground attacks in Ta'iz, Sana'a, Aden and Sa'da and investigated the circumstances and impact of these attacks. After examining over 60 incidents, the organization has concluded that the Saudi Arabian-led coalition[1], the Huthi armed group and its allies, and the anti-Huthi armed groups and their allies have been responsible for killing and injuring hundreds of civilians not involved in the conflict, many of them children and women, in disproportionate and indiscriminate ground and air attacks that constitute war crimes.[2]

According to the UN Office of the High Commissioner for Human Rights, as of 18 August the conflict in Yemen had resulted in at least 1,950 civilian deaths.[3]

SAUDI ARABIA-LED COALITION

Since 25 March 2015, thousands of air strikes by Saudi Arabian-led coalition forces have killed hundreds of civilians all over Yemen. Amnesty International investigated over 30 air strikes in various parts of the country. Though many of the strikes have targeted and destroyed military objectives, others have often been disproportionate or have indiscriminately killed and injured civilians and destroyed civilian property and infrastructure. In some instances, air strikes appeared to have directly targeted civilians or civilian objects. The pattern of attacks and the lack of investigations into such incidents to date raises serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law both by those planning and executing the attacks and by the exiled Yemeni government, at whose behest coalition forces are acting.

Multiple air strikes by coalition forces on a residential compound housing workers of the Steam Power Plant and their families in the south-western port city of Mokha on 24 July at approximately 10pm killed at least 63 civilians and injured 50 others.[4] Similarly, on 9 July at about 1pm coalition forces killed 10 members of the Faraa family, including four children and five women, and injured 10 others when they bombed the Mus'ab ben Omar school in Tahrur village, north of Aden in Lahj governorate, where families displaced by the conflict were sheltering. On 3 June, coalition strikes on a village in Sabr, near Sa'da, killed at least 55 people and injured nine others. Half of the village was completely destroyed. Surviving villagers told Amnesty International that they had to dig for days looking for the bodies of the victims in the rubble.

ARMED GROUPS – ANTI-HUTHI AND HUTHI FIGHTERS

Armed groups of Huthis and Saleh loyalists, on the one hand, and anti-Huthi Popular Resistance Committees, on the other, have killed, harmed and endangered civilian residents as they battle each other in ground fighting for control of

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[1] Other countries taking part in the coalition are: Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan and the United Arab Emirates (UAE). Somalia has made its airspace, territorial waters and military bases available to the coalition, Senegal promised troops, and the United States and United Kingdom have been providing intelligence and logistical support to the coalition.

[2] See: https://www.amnesty.org/en/latest/news/2015/08/yemen-bloody-trail-of-civilian-death-and-destruction-paved-with-evidence-of-war-crimes/ and https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/

[3] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16329&LangID=E

[4] For more details about this attack and others documented by Amnesty International, see: https://www.amnesty.org/en/documents/mde31/2291/2015/en/

the two cities of Aden and Ta'iz. At least 68 civilians were killed and 99 others injured, mostly children and women, in 30 attacks investigated by Amnesty International.

Attacks by both sides routinely failed to distinguish between fighters and civilian residents and appeared to be directed frequently at neighbourhoods because they are under the de facto control of the other side or because fighters are based or operate from there, rather than at specific military objects. Fighters from both sides have used imprecise weapons such as Grad-type rocket artillery and mortars, which cannot be accurately aimed at specific targets and which can kill and maim people tens of metres from their points of impact. Such attacks violate fundamental provisions of international humanitarian law, as they fail to distinguish between military targets and civilian objects.[5] Amnesty International delegates witnessed fighters from both sides operating in the midst of densely populated residential neighbourhoods in Aden and Ta'iz and surrounding villages, including in and around schools and hospitals. Residents told the organization of instances when fighters launched attacks from their neighbourhoods despite civilians being present nearby, thereby exposing residents to the risk of retaliatory attacks from the opposite side.

In Ta'iz seven civilians were killed, including two boys aged five and 13, and 11 were injured when three tank rounds landed outside a house in Dhirat al-Qurdayn village in the afternoon of 16 May. Two children, aged seven and 12, were killed and two other children and a woman were injured by a mortar which struck an alleyway between houses where the children were playing in the afternoon of 15 May.

In Aden, a barrage of indiscriminate rockets fired by Huthi armed groups into the densely populated residential Block 4 and 5 area of al-Mansoura district on 1 July between midnight and 6am killed 13 people and injured 56 others. At least one fighter was killed in the attack by one of the rockets which landed near a checkpoint manned by anti-Huthi armed groups, but most of the victims were civilians not involved in the conflict.

WORSENING HUMANITARIAN SITUATION

The conflict has exacerbated an already acute humanitarian situation resulting from years of poverty, poor governance and instability, and has severely disrupted the provision of essential services in cities and rural areas alike. Currently 80% of Yemenis need some form of humanitarian assistance, prompting UN agencies to declare a Level 3 (most severe) emergency response for Yemen on 1 July 2015.[6]

The targeting of key logistic infrastructure - such as airports, seaports, bridges and main roads – by all parties in the conflict has had far-reaching consequences. Some have been damaged or destroyed by coalition air strikes and shelling by armed groups and others have been closed or their use restricted by the parties. The damage caused to bridges between Ta'iz and Aden, and between Sa'da and the capital have further hindered the movement of civilians, food and essential civilian goods and medical supplies – while causing little disruption to the movement of fighters.

Damage to power stations and electricity networks have disrupted vital services such as water supply and health care, impacting every aspect of life for the civilian population.

The conflict has caused a major health crisis, disrupting essential primary and secondary health care services. At least 160 health care facilities have been closed down across the country.[7] Ground fighting, coalition air strikes and a coalition-imposed blockade have placed enormous pressures on the capacity of hospitals and their remaining supplies.

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[5] Notably the principle of distinction. For example see: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule1

[6] http://www.unocha.org/top-stories/all-stories/yemen-highest-emergency-response-level-declared-six-months
https://docs.unocha.org/sites/dms/Documents/UNSC-%20Yemen%20-%2028%20July%2015%20-%20USG%20O%27Brien%20as%20delivered.pdf

[7] https://www.humanitarianresponse.info/en/system/files/documents/files/yemen_hrp_revised_2015.pdf

Patients in and outside hospitals told Amnesty International that they were unable to find or to afford the medical supplies they needed.

Attacks on medical staff and property by fighters on both sides have been frequent. Several doctors told Amnesty International that they had been victims of attacks and threats at gunpoint by anti-Huthi fighters in Aden, where attacks on International Committee of the Red Cross (ICRC) premises forced staff to relocate.[8] Amnesty International witnessed armed group positions, including anti-aircraft machine guns, at several hospitals in Aden and Ta'iz. In Aden, anti-Huthi fighters were observed firing assault rifles inside the al-Sadaqa hospital compound and launching mortars from next to the hospital, exposing patients and medics to the risk of retaliatory attacks.[9] Similar conduct by fighters and their utter disregard for the protection of civilians forced hospitals such as the al-Joumhouria Hospital in Aden to suspend its operations in late April.[10]

RECOMMENDATIONS

Amnesty International urges the Human Rights Council, its members and observer states to:

- Call on all parties to the conflict to:
  - Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations by ensuring that civilians and civilian objects are not targeted, and that no attacks are carried out which fail to discriminate between civilians and combatants, or which may cause civilian loss disproportionate to the anticipated military advantage;
  - Allow full and unfettered access to organizations providing humanitarian aid;
- Create an international commission of inquiry to investigate alleged serious violations of international humanitarian law and international human rights law by all parties to the conflict since the beginning of hostilities in September 2014;
- Mandate regular reporting to the Council on the human rights situation in Yemen and hold related inter-active dialogues;
- Urge all countries supplying arms to any parties to the conflict to halt arms transfers to any party to the conflict where there is a risk that the arms could be used to commit or facilitate serious violations of human rights or international humanitarian law;
- Ensure that prompt and full reparation is provided to victims and families of victims of unlawful attacks which resulted in human or material damage.

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[8] https://www.icrc.org/en/document/yemen-icrc-office-aden-attacked
[9] The incidents witnessed by Amnesty International took place on 12, 13 and 14 July.
[10] http://www.theguardian.com/world/2015/may/01/yemen-people-suffer-lack-food-power-medical-aid-battles-rage-on

United Nations A/HRC/30/NGO/147

General Assembly

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15341(E)

Please recycle

Saudi Arabia: Rampant executions in a justice system lacking basic safeguards

SUMMARY OF CONCERNS[1]

This statement draws from the Amnesty International briefing *Killing in the name of justice: The death penalty in Saudi Arabia* (Index: MDE 23/2092/2015), published on 25 August 2015.[2]

In August 2014, Saudi Arabia executed 26 people in a sudden surge in executions that has persisted since then, with the total number of executions in the first six months of 2015 reaching 102. In less than a year, from August 2014 to June 2015, the Saudi Arabian authorities executed at least 175 individuals, an average of one person every two days.

Saudi Arabia remains one of the most prolific executioners in the world. Between January 1985, the earliest year when information on executions is available, and June 2015 it has executed at least 2,208 persons. Almost half of them were foreign nationals, with the majority being migrant workers with no knowledge of Arabic, who were often denied, among other things, adequate interpretation assistance and the right to contact and receive assistance from the embassy or consulates of their country. Over one third of the executions between January 1985 and June 2015 were carried out for offences that do not meet the threshold of "most serious crimes" for which the death penalty can be imposed under international law. Most of these crimes, such as drug-related offences, are not mandatorily punishable by death according to the authorities' interpretation of Islamic Shari'a law.

Saudi Arabia also continues to sentence to death and execute individuals for crimes committed when they were below 18 years of age, and persons with mental and intellectual disabilities in violation of international law.

Too often trials in death penalty cases are held in secret and their proceedings are unfair and summary with no legal assistance or representation through the various stages of detention and trial. Defendants are also too often denied the right to a meaningful appeal and may be convicted solely on the basis of "confessions" obtained under torture or other ill-treatment, duress or deception.

The situation is compounded by the fundamentally flawed nature of Saudi Arabian legal and judicial safeguards. In terms of the legal provisions, the lack of specificity in the definitions of most crimes render them open to wide interpretation by the judicial authorities.[3]

SCOPE OF THE DEATH PENALTY

The scope of the death penalty in Saudi Arabian laws is a major cause for concern. In both Shari'a and statutory laws, offences that are not internationally considered "most serious crimes", such as drug-related offences, are punishable by death.[4] There has been a significant rise in executions for drug-related offences recorded by Amnesty International in the last past three years. Whereas in 2010 and 2011, less than 4% of recorded executions for that year were for drug-related offences, in 2012 the equivalent figure rose to almost 28%, followed by 32% in 2013. In 2014 and 2015 (up to June), the percentage of recorded executions that were for drug-related offences was 47% for each period.[5]

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[1] Amnesty International also submitted a written statement in May 2015 to the 29th session of the Human Rights Council which addressed, among other issues, its concerns on the death penalty in Saudi Arabia. See: *Saudi Arabia: Is this what is to be expected of a Human Rights Council member (Part 2)?* https://www.amnesty.org/en/documents/mde23/1647/2015/en/.

[2] Amnesty International, *Killing in the name of justice: The death penalty in Saudi Arabia* (Index: MDE 23/2092/2015), August 2015, pp. 5-7 (Amnesty International, *Killing in the name of justice),* https://www.amnesty.org/en/documents/mde23/2092/2015/en/.

[3] Amnesty International, *Killing in the name of justice: The death penalty in Saudi Arabia* (Index: MDE 23/2092/2015), August 2015, pp. 5-7 (Amnesty International, *Killing in the name of justice).*

[4] Amnesty International, *Killing in the name of justice,* p. 17.

[5] Amnesty International, *Killing in the name of justice,* pp. 21-24.

Saudi Arabia also continues to impose the death penalty on those convicted of "offences" that are not recognizably criminal offences under international human rights law. These include apostasy, adultery, witchcraft and sorcery.[6]

JUVENILE OFFENDERS

In the past two years, Saudi Arabia has executed at least three juvenile offenders, in blatant disregard of its obligations as a state party to the Convention on the Rights of the Child. Both the Convention and customary international law prohibit the use of the death penalty on anyone aged under 18 at the time of the crime.

The Saudi Arabian authorities have also executed individuals whose age was considered to be in dispute at the time of their alleged offence.[7]

PERSONS WITH MENTAL AND INTELLECTUAL DISABILITIES

In the case of persons with mental or intellectual disabilities, Saudi Arabian laws provide little or no guidance as to how commonly held understandings of mental and intellectual disabilities and their effect on criminal responsibility are to be applied as safeguards in practice. This, together with inadequate legal representation, the mandatory imposition of the death penalty and lack of resources for independent medical assessments before and after sentencing means that persons with mental and intellectual disabilities have been sentenced to death and, in some cases, executed.[8]

FOREIGN NATIONALS

Foreign nationals, particularly migrant workers from disadvantaged economic backgrounds who moved to Saudi Arabia from countries in Africa, the Middle East and Asia, comprise a high and disproportionate number of those executed in Saudi Arabia. Of the total 2,208 executions recorded between January 1985 and June 2015, at least 1,072, or some 48.5%, were of foreign nationals.[9] The majority of them are migrant workers with no knowledge of Arabic, the language in which they are questioned while in detention and in which trial proceedings are carried out. They are often denied adequate interpretation assistance. Their country's embassies and consulates are not always promptly informed of their arrest, or even of their executions. In some cases neither are their families notified in advance of the execution nor are their bodies returned to them for funeral rites. During their trial, their foreign nationality and the fact that they often lack Arabic language skills place them in a particularly disadvantageous position.[10]

LACK OF ACCESS TO LAWYERS

In practice, one of the most common violations of fair trial guarantees faced by detainees is the lack of access to lawyers. Although Saudi Arabian laws clearly stipulate the right of defendants to have lawyers from the time of pre-trial detention and interrogations, it is rarely granted to defendants. Amnesty International is aware of cases where defendants explicitly requested a lawyer, and they were either denied that right without explanation, told that bringing in a lawyer would complicate matters, or told that they could only have a lawyer when they went to court, in clear violation of Saudi Arabian laws.[11]

Frequently, defendants and their lawyers are denied access to the court documents even after being sentenced by a first instance court. Amnesty International is aware of cases in which the authorities have resorted to forcing lawyers to sign pledges not to share court documents or discuss the case in public, while at the same time leaking information to state-

[6] Amnesty International, *Killing in the name of justice*, p. 17.
[7] Amnesty International, *Killing in the name of justice*, pp. 37-38.
[8] Amnesty International, *Killing in the name of justice*, pp. 38-40.
[9] Amnesty International, *Killing in the name of justice*, pp. 24-25.
[10] Amnesty International, *Killing in the name of justice*, p. 25.
[11] Amnesty International, *Killing in the name of justice*, pp. 30-32.

controlled media and thereby ensuring a one-sided version of events is presented in public. This practice clearly undermines the presumption of innocence and consequently the fairness of the trial.[12]

"CONFESSIONS" EXTRACTED THROUGH TORTURE

Forced "confessions" extracted under torture or other ill-treatment continue to be frequent in the Saudi Arabian justice system and are commonly admitted as evidence in trial. In many cases, such "confessions" form the basis of the prosecution and are often the sole evidence for convictions. This problem is facilitated by the absence of guarantees that enable defendants to challenge adequately self-incriminating statements extracted through torture and other ill-treatment or deception.[13]

In some cases, the authorities threatened defendants with torture or punishment if they were to retract their confession or deny it. Sometimes, the authorities also threaten to punish and torture their family members.[14]

RECOMMENDATIONS

Amnesty International urges Human Rights Council members and observer states to raise the concerns in this statement in Council debates and in bilateral dialogues with the Saudi Arabian delegation; and in particular to call on Saudi Arabia, pending full abolition of the death penalty, to:

- Restrict the scope of the death penalty to crimes involving intentional killing, in line with international law and standards;
- Stop applying the death penalty on anyone under the age of 18 at the time of the offence, in accordance with Saudi Arabia's obligations under the Convention on the Rights of the Child and international standards;
- Stop applying the death penalty on anyone suspected of suffering from mental and intellectual disabilities;
- Ensure that foreign nationals arrested, detained or imprisoned have adequate access to consular and interpretation services;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials; at least equal to Article 14 of the International Covenant on Civil and Political Rights, and without recourse to the death penalty;
- Ensure that statements extracted under torture or other ill-treatment are not used as evidence in criminal proceedings, except those brought against suspected perpetrators of torture or other ill-treatment;
- Ensure that all allegations of torture and other ill-treatment used to extract "confessions" are promptly and impartially investigated, and those found guilty of committing them are held to account; and
- Establish an official moratorium on executions with a view to abolishing the death penalty.

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[12] Amnesty International, *Killing in the name of justice*, p. 31.
[13] Amnesty International, *Killing in the name of justice*, pp. 33-34.
[14] Amnesty International, *Killing in the name of justice*, p. 34.

United Nations A/HRC/30/NGO/148

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Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15441(E)

Please recycle

Childhood in the occupied territories of Western Sahara

Soldiers, police officers, demonstrations and attacks are recurrent themes in Saharawi children's drawings. A child's drawing, as a spontaneous expression, represents a child's thought processes and its perceptions of the world around it.

Fear and sadness which children transmit through their creativity are a reflection on the systematic exposure to violence which the Saharawis are subjected to, particularly during childhood. The conflict has now persisted for over 40 years, meaning that several generations of children have never known peace.

Young people, who constitute a significant proportion of the Saharawi society in the Occupied Territories of Western Sahara, are forced to witness violent encounters on a daily basis which inevitably becomes part of them. Humiliations, detentions and torture are constant in the lives of Saharawis.

Several NGOs have confirmed that the Moroccan authorities detain Saharawis between the ages of 12 -18. Sometimes children are detained for several hours, without informing their parents. Moreover, many detained children are subjected to beatings and psychological torture, including threats of sexual violence. In some instances, children have been abandoned outside of the city, in the desert. Adala UK has informed the United Nations about these events. According to other reports, Moroccan security forces have surrounded schools.

The Moroccan authorities use the rights of Saharawi children as an instrument for extortion and negotiations with Saharawi families who oppose the occupation. All of this robs children of their childhood and forces them to live like adults in a general context of violence and experience things they are not emotionally prepared for. The physical and psychological damage which this causes is difficult to repair.

Saharawi families encounter a lot of difficulties in accessing health services due to the police presence in hospitals and fear that their children could be detained as a result of participating in demonstrations demanding the right to self-determination.

All of these abuses constitute violations of the UN Declaration on the Rights of the Child from 1959.

Experiences of threats, violence, cruelty, discrimination and humiliation lead to feelings of hatred and aggressiveness in children, which stops them from growing up with dignity and denies them a secure future.

Morocco has been maintaining its brutal occupation of Western Sahara for decades and systematically violates international human rights and UN resolutions as well as international law. All of this is happening with impunity, with the international community turning a blind eye to the illegal practices which the Saharawi people, particularly children, are subjected to.

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Human Rights Council
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Agenda item 8
Follow-up and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15449(E)

Please recycle

The application of the death penalty for drug-related offences and its serious impact on the enjoyment of human rights

Amnesty International welcomes the discussion on the impact of the "world drug problem" on the enjoyment of human rights at this session of the Human Rights Council. The organisation draws the attention of this body to the prevalent use of the death penalty for drug-related offences.

Shahrul Izani bin Suparaman was 19 years old when he was found in possession of 622 grams of cannabis in Malaysia in September 2003. Because of the amount, he was automatically presumed to be trafficking drugs, a crime for which a death sentence is mandatory in Malaysia. He is currently appealing for clemency from the authorities.

Shahrul Izani is one of many cases Amnesty International has recorded of a young person sentenced for possession of drugs to pay with their life. Malaysia is not the only country to punish drug-related offences with the death penalty.

Drug-related offences, which include a variety of different charges ranging from drug trafficking to drug possession, are punished or punishable by death in Bahrain, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Guyana, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Libya, Malaysia, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Republic of Korea, South Sudan, Sri Lanka, Sudan, Syria, Thailand, United Arab Emirates, United States of America, Viet Nam and Yemen. [1]

Despite the fact that mandatory death sentences, even for the most serious crimes, are contrary to international law,[2] drug-related offences are mandatorily punished by death in several countries including Iran, Malaysia and Singapore.[3]

In at least three countries - Brunei Darussalam, Malaysia and Singapore - defendants found with specified amounts of certain drugs, or even simply in possession of keys to a building or vehicle in which such drugs are found, are presumed guilty of drug trafficking. In those circumstances, the burden of proof is shifted onto the defendant, in violation of the presumption of innocence and fair trial rights.[4]

According to the *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, "[i]n countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it

[1] This list covers offences that include drug trafficking resulting into death, drug trafficking not resulting into death, and drug trafficking by agents of the state.

[2] The UN Human Rights Committee has said that "the automatic and mandatory imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of Article 6, paragraph 1, of the [International] Covenant [on Civil and Political Rights], in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence". Pagdayawon Rolando v Philippines, Views of the Human Rights Committee, Communication No. 1110/2002, UN document CCPR/C/82/D/1110/2002, 8 December 2004, para. 5.2.

[3] While some sentencing discretion was introduced in Singapore under the Misuse of Drugs Act in 2012, defendants can still be mandatorily sentenced to death. Only defendants who have demonstrated that they were merely drug "couriers" and are provided with a certificate "substantive assistance" by the Attorney General's Office can be sentenced at the judge's discretion to death or life imprisonment and 15 strokes of the cane. Persons with a demonstrated mental disability which was relevant at the commission of the crime can only be sentenced to life imprisonment.

[4] Drug trafficking is presumed if the defendant is found in possession of a quantity of prohibited substance greater than a specified minimum.

being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences."[5]

Drug-related offences do not meet the threshold of "most serious crimes" for which the death penalty may be imposed under Article 6 of the International Covenant on Civil and Political Rights and other international and regional treaties.

The UN Human Rights Committee has found, on numerous occasions, that drug-related offences do not meet the criterion of "most serious crimes",[6] a finding reiterated by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment [7] and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.[8] Most recently, Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, stated in his 2012 report, "Domestic law should provide that death sentences may never be mandatory and may be imposed only for those crimes that involve intentional killing. The death penalty may not be imposed for drug-related offences unless they meet this requirement." [9]

Despite the clear and repeated determinations of UN human rights mechanisms, numerous countries continue to use the death penalty for drug-related offences. In 2014, Amnesty International recorded that the death penalty was imposed or carried out for drug-related offences in at least 10 countries: China, Indonesia, Iran, Malaysia, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates and Viet Nam.[10]

In 2015, executions for drug-related crimes have been recorded in China, Iran (241, from official and unofficial sources, as of 28 April 2015), Indonesia (14 as of 28 August 2015) and Saudi Arabia (58 as of 28 August 2015).[11]

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5 Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty adopted by the UN Economic and Social Council (ECOSOC) in resolution 1984/50 of 25 May 1984 and endorsed by UN General Assembly in resolution 39/118, adopted without a vote, on 14 December 1984.

6 UN Human Rights Committee (8 July 2005), Concluding observations: Thailand. CCPR/CO/84/THA, para. 14; UN Human Rights Committee (29 August 2007), Concluding observations: Sudan. CCPR/C/SDN/CO/3, para. 19.

7 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 14 January 2009, A/HRC/10/44, para. 66.

8 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, 29 January 2007, UN Doc. A/HRC/4/20, para. 53.

9 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 9 August 2012, A/67/275, para.122.

10 Amnesty International, Death sentences and executions in 2014 (ACT 50/001/2015), available at: https://www.amnesty.org/en/documents/act50/0001/2015/en/ [last accessed on 10 September 2015]. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty, making confirmation of the use challenging. Therefore, with only a few exceptions, Amnesty International's figures on the use of the death penalty are minimum figures.

11 See for example Saudi Arabia: Rampant executions in a justice system lacking basic safeguards, Amnesty International written statement to the 30th session of the UN Human Rights Council, 1 September 2015 (MDE 23/2348/2015), available at https://www.amnesty.org/en/documents/mde23/2348/2015/en/ [last accessed on 10 September 2015].

Amnesty International received reports indicating that death sentences continued to be imposed for drug-related offences in 2015 in China, Indonesia, Iran, Kuwait, Malaysia, Saudi Arabia, Sri Lanka, United Arab Emirates and Viet Nam.

Amnesty International has been documenting continued violations of the right to a fair trial and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment in cases where defendants face or have faced the death penalty for drug-related offences. The organisation has also highlighted how defendants from economically disadvantaged backgrounds and foreign nationals are disproportionately affected by the death penalty, including for drug-related crimes.

Recommendations

Pending full abolition of the death penalty, Amnesty International urges the Human Rights Council, its members and observer states to urge all countries that retain the death penalty to:

- Establish an official moratorium on executions with a view to abolishing the death penalty, as called for by five resolutions adopted by the UN General Assembly resolutions, including most recently 69/186 of 18 December 2014;
- Commute without delay all death sentences;
- Immediately remove all provisions in national law that are in breach of international human rights law, in particular:
    - by abolishing all provisions that provide for mandatory death sentences, and
    - by restricting the imposition of the death penalty to intentional killing;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials;
- Ensure that foreign nationals arrested, detained or imprisoned have adequate access to consular and interpretation services.

Amnesty International also urges the Human Rights Council to work with the Office of the High Commissioner for Human Rights, the UN Office on Drugs and Crime and other UN entities involved in counter-narcotics operations, as well as Member States, to ensure that all programmes and policies are carried out in full compliance with international law and other standards applicable to the use of the death penalty and do not contribute to the use of the death penalty in connection with drug offences.

It also calls on States and other stakeholders to ensure that the outcome of the next UN General Assembly Special Session (UNGASS) on drugs to be held in 2016 and other related discussions ensure that the respect and protection of human rights are an integral part of drug policies.

United Nations A/HRC/30/NGO/150

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Human Rights Council
Thirtieth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[09 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15459(E)

Please recycle

Time for Sri Lanka to act on justice, accountability and the protection of human rights

With parliamentary elections over and a new government in place, it is time for Sri Lanka to make good on its promises to account for alleged crimes under international law and build the domestic culture of human rights necessary to prevent the recurrence of past violations. The legacy of impunity in Sri Lanka is daunting and stretches back decades. Alleged war crimes committed during the long armed conflict, as well as enforced disappearances, extrajudicial executions and torture that continued after the fighting ended have never been effectively investigated.

If a process of truth, justice, reparation and non-recurrence is to take root, an essential step must be broad and meaningful consultation with representatives of civil society throughout the country, notably the victims of human rights abuses and violations and surviving family members to determine what they need and expect from an accountability process.[1] Their active and informed participation in its design is essential to ensure that measures taken are meaningful, to gain their confidence to participate in the processes, and to defend accountability efforts against forces who may be intent on preventing the exposure of truth and accountability of perpetrators.

The Government must also act immediately in other areas to deliver on its commitment to end impunity and protect human rights, including by ensuring the conclusion of prosecutions and bringing about legal and institutional reform, including criminalization of enforced disappearances, legal recognition of command responsibility and repeal of the Prevention of Terrorism Act (PTA).

Accountability and Ending Impunity:

According to credible eyewitness testimony, information collected by UN bodies and non-governmental organizations, government forces and the Liberation Tigers of Tamil Eelam (LTTE) committed war crimes and crimes against humanity in the final phase of the armed conflict that ended in May 2009. Sri Lankan Army artillery repeatedly hit government-designated civilian "no fire zones" and hospitals, killing medical workers and civilians who appeared to be used as human shields by the LTTE. The LTTE forcibly recruited and deployed child soldiers and reportedly shot people trying to escape the conflict area. Sri Lankan Army personnel are alleged to have killed and forcibly disappeared civilians and LTTE cadres who had surrendered. Sexual violence was reported against both male and female detainees, including individuals who surrendered to the army in 2009. Impunity for these and other crimes under international law led the Human Rights Council (HRC) in March 2014 to request the Office of the High Commissioner for Human Rights to "undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties...."

Despite official promises to take measures to ensure accountability, impunity has also persisted for high profile cases such as the January 2006 extrajudicial executions of five students in Trincomalee by Sri Lankan security personnel and the killing of 17 aid workers with Action Contre La Faim in Mutttur in August 2006. The January 2009 murder of newspaper editor Lasantha Wickrematunge; and the disappearances of political activists Lalith Weeraraj and Kugan Muruganandan in Jaffna in 2011 have not been promptly, thoroughly and effectively investigated by independent and impartial authorities. The arrests in August of army personnel and affiliates for questioning in connection with the 2010 disappearance of dissident cartoonist Prageeth Eknaligoda were long overdue.

In March, Foreign Minister Mangala Samaraweera told the HRC this Council that his government had initiated discussions aimed at bringing Sri Lanka's human rights regime in line with international standards, including by

[1] See also the observations of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, at the conclusion of his 2015 visit to Sri Lanka: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15820&LangID=E, accessed 24 August 2015.

implementing recommendations of its Lessons Learnt and Reconciliation Commission (LLRC) and other past Presidential Commissions of Inquiry. He noted that this included "examining incidents identified by these Commissions as serious violations of human rights warranting further investigations and a criminal justice response."[2] Despite numerous domestic and international calls to do so, Sri Lanka's former government never made public the report of the Commission of Inquiry that investigated the Trincomalee and Muttur killings. The current government should do so immediately.

The former government also refused to cooperate with the OHCHR Investigation on Sri Lanka (OISL) and ignored requests for visits by key UN Special Procedures. Following the presidential elections in January 2015, the new government did not issue an invitation to OISL investigators to visit Sri Lanka either, but President Sirisena did say he would take the opinions of UN experts into account in establishing a domestic inquiry,[3] and issued invitations to UN Special Procedures. The UN Special Rapporteur on Truth, Justice, Reparations and Non-recurrence visited Sri Lanka in late March.

Unfortunately, momentum slowed after parliamentary elections were called in June. Human rights concerns no longer featured in official statements and a critically important visit by the UN Working Group on Enforced and Involuntary Disappearances (UNWGEID) was postponed until after the election. With the parliamentary elections completed it is time to commit to a transparent and consultative process of legal reform and accountability with seriousness and urgency.

Minister Samaraweera told the Human Rights Council in March 2015 that the content of the OISL report could be "taken into account by domestic investigative and judicial mechanisms which we are in the process of setting up."[4] He said that the Government of Sri Lanka had already begun discussions about the nature of these mechanisms, including necessary amendments to existing laws.

Close International attention, technical support and monitoring of this process remains essential, and Sri Lanka must accept and facilitate this involvement. Sri Lanka's justice system has been ineffective in investigating and prosecuting human rights violations and crimes under international law. Its legislation falls short of the high standards that should be applied in prosecuting such crimes, including with regard to principles of command responsibility. The effectiveness of national victim and witness protection mechanisms remains a concern. Sri Lanka will require international assistance and expertise to address these challenges promptly and effectively. Domestic investigations can only deliver justice if they are sufficiently resourced, can operate independently and are backed by necessary legislation and political will to ensure that where admissible evidence exists, it leads to the prosecution of those suspected of the crimes, regardless of their rank or status. This includes military and civilian superiors who knew or should have known about the commission of crimes under international law and did not take measures to prevent them or punish those responsible.

Amnesty International urges the Human Rights Council to:

- Adopt a resolution supporting the implementation of OISL's recommendations aimed at ending impunity, accounting for the past and reforming systems, and ensuring ongoing HRC engagement including by monitoring the implementation of the OISL report and the human rights situation in Sri Lanka, and providing for regular updates;

- Offer international expertise dedicated to ensuring that allegations identified by OISL of crimes under international law by Sri Lankan government forces, allied armed groups or by the LTTE, are promptly, thoroughly and effectively investigated and that those suspected of committing a crime are prosecuted in genuine proceedings that fully conform to international standards for fair trial;

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[2] http://www.mea.gov.lk/index.php/en/media/media-releases/5978-foreign-minister-addresses-high-level-segment-of-hrc-in-geneva, accessed 4 August 2015.

[3] BBC News, 12 March 2015, http://www.bbc.com/news/world-asia-31844796, accessed 5 August 2015.

[4] See footnote 2 above.

- Offer international expertise dedicated to ensuring that victims of crimes under international law and human rights violations and abuses are provided with other effective remedies, including full reparation and truth.

Amnesty International urges the Government of Sri Lanka to:

- Initiate wide reaching and meaningful public consultation, including with victims and their families, civil society and other stakeholders to understand their needs and expectations regarding truth, justice, full reparation including guarantees of non-recurrence and ensure their full participation in any accountability process;
- Review existing legislation and undertake legal and procedural reforms necessary to investigate and prosecute persons suspected of committing crimes under international law, in accordance with international standards while respecting the rights of the accused, victims and witnesses. This should include amending the Penal Code to include the crime of enforced disappearances and the international legal principle of command responsibility;
- Repeal the Prevention of Terrorism Act and stop using the law until it is repealed.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Cooperate fully with OHCHR and relevant UN Special Procedures;
- Ensure that all allegations of crimes under international law are fully investigated and, where sufficient admissible evidence exists, those suspected of the crimes are prosecuted in genuine proceedings before independent and impartial courts that comply with international standards for fair trial;
- Ensure that the truth is established regarding crimes under international law, including the fate and whereabouts of disappeared persons, and that victims are provided with full and effective reparation to address the harm they have suffered.

Amnesty International urges HRC Members and observer states to:

- Support the measures recommended above to the HRC;
- Offer support for and urge Sri Lanka to accept international cooperation and expertise to end impunity;
- Ensure that assistance provided emphasizes the centrality of victims and their special status in the design and implementation of mechanisms to deliver truth, justice, reparation and guarantees of non-recurrence of violations.

United Nations A/HRC/30/NGO/151

General Assembly

Distr.: General
15 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15597(E)

Please recycle

Human Rights Council should help prevent a human rights crisis in Burundi

After more than a decade of relative peace and stability following the end of the civil war, Burundi is once again in the midst of political crisis and risks a return to internal armed conflict. The report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his mission to Burundi[1] to this session highlights the need for serious efforts to redress past violations in order to end the tradition of impunity and protect human rights in the present and future.

The Human Rights Council should take urgent measures to prevent further serious human rights violations in the country.

Background

On 26 April 2015, demonstrations against President Pierre Nkurunziza's decision to run for a third term in office broke out in the capital Bujumbura and continued until mid-June. Many Burundians saw this bid as unconstitutional and a violation of the provisions of the 2000 Arusha Agreement which brought an end to the country's civil war.

On 13 May, a group of military officers staged an attempted coup. After heavy fighting between their supporters and factions of the army loyal to the President, they announced the coup's failure the following day. On 25 June, General Philbert Habarugira, who participated in the failed coup, announced from exile in an online audio clip the intention to mount an armed rebellion against President Nkurunziza's government.

On 24 July, President Nkurunziza was declared the winner of the presidential elections, and on 20 August he was sworn in for a third term in office.

General Adolphe Nshimirimana, a former head of the intelligence services and close ally of the president, was assassinated on 2 August, and targeted killings of both ruling party and opposition members have continued into September.

Excessive use of force in policing demonstrations

Although preparations had been made to manage public assemblies during the 2015 electoral period, the government imposed a blanket ban on demonstrations. The protests that erupted in April were treated by the authorities as if they were an insurrection, which served only to escalate rather than defuse the protests.

Amnesty International documented the violent repression of protests by police in Bujumbura. They used excessive and disproportionate force, including lethal force, against protesters, at times shooting unarmed protesters running away from them. Even where children were present during demonstrations, police still failed to exercise restraint, and used tear gas and live ammunition. According to the United Nations Children's Fund, at least eight children have been killed during the current crisis.[2]

Little information is available on investigations into incidents linked to the protests. No victims or family members that Amnesty International interviewed had filed complaints with the police and several relatives and medical personnel described intimidation by security forces that made them fearful of bringing complaints.

Torture and other ill-treatment in detention

[1] Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, Addendum, Mission to Burundi (8–16 December 2014). UN document: A/HRC/30/42/ADD.1, of 10 August 2015

[2] Amnesty International, Braving Bullets – Excessive force in policing demonstrations in Burundi, 27 July 2015, Index number: AFR 16/2100/2015.

Both the Burundi National Police and the National Intelligence Services are responsible for the use of torture and other forms of ill-treatment in detention against opponents of President Nkurunziza since April 2015 to extract forced confessions and to silence dissent. Amnesty International received testimonies from a human rights activist and a journalist detained due to their suspected participation in protests. They described being beaten with iron bars, electric cables and batons; receiving electric shocks; and being forced to sit in battery acid.

Some Burundian human rights activists and public officials told Amnesty International the practice of torture was on the rise in Burundi. In May and July 2015, Amnesty International interviewed 11 men who reported being subjected to torture and other ill-treatment in two different locations in Bujumbura. It also interviewed two other men who witnessed others being subjected to such treatment. These accounts and information from other reliable sources make it appear that the cases documented by Amnesty International are part of a much larger problem of torture and other ill-treatment in detention in Burundi.[3]

Crackdown on freedom of expression

The crackdown on independent media has escalated since the failed coup. On 13 and 14 May, the infrastructure of four independent radio stations was destroyed by unidentified individuals. The stations had previously been banned from broadcasting outside Bujumbura on 26 April. Burundian and international journalists have received threats from government officials. Newspapers can still operate, but under difficult circumstances. On 3 August, Pierre Claver Mbonimpa, a leading human rights defender, survived an attempted assassination by gunmen.

Parallel chain of command

Through interviews with Burundian policing experts and police officers, Amnesty International established that individuals in positions of power are bypassing the official police chain of command to give orders that violate regional and international human rights standards, including the right to life, to advance their own political or personal agendas. Efforts to reform the security sector and significant investment in training, as highlighted in the report of the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence, risk being undermined as long as these parallel command structures are allowed to operate.[4] Political will to end this practice is essential in order to end the culture of impunity in Burundi. As the Special Rapporteur noted, "a tradition of impunity is both a manifestation and a cause of institutional weaknesses."

Recommendations

Amnesty International recommends that the Human Rights Council (HRC) adopts a resolution about the human rights situation in Burundi at this session that:

- Draws the attention of the UN Security Council and other relevant bodies to real possibility that the human rights situation in Burundi will deteriorate rapidly and calling for urgent measures to prevent further human rights violations;
- Strongly condemns human rights violations committed in Burundi, including torture and ill-treatment in detention, and the excessive use of force by police, and urging the Burundian authorities to conduct impartial and independent investigations with a view to bringing those responsible to justice;
- Ensures that the HRC be kept regularly informed of developments on the ground, including by requesting the UN High Commissioner for Human Rights to present a written report at the thirty-first session of the Human

[3] Amnesty International, "Just Tell Me What to Confess To" - Torture and Other Ill-Treatment by Burundi's Police and Intelligence Service since April 2015, 23 August 2015, Index number: AFR 16/2298/2015 at: https://www.amnesty.org/en/documents/afr16/2298/2015/en/ [last accessed 12 September 2015].
[4] A/HRC/30/42/Add.1, 10 August 2015. See footnote 1.

Rights Council, followed by an interactive dialogue, as well as a written report at the Council's thirty-third session, followed by an interactive dialogue;

The HRC should also stand ready to convene an urgent debate on the human rights situation in Burundi should the situation further deteriorate and with a view to taking further steps as appropriate.

Further, Amnesty International recommends that the HRC, its members and observer states urge the Government of Burundi to:

- Promptly and independently investigate all reports of human rights violations and prosecute those allegedly responsible, including the commanding officers in charge during the incidents who gave unlawful orders or failed to prevent violations of human rights.
- Remove from active duty anyone suspected of having committed crimes under international law or other serious human rights violations until the allegations against them have been independently and impartially investigated.
- Clarify the status and chain of command within the three security forces (police, army and intelligence services) and ensure that they are respected.
- Ensure that victims of human rights violations and their families can obtain full reparation.
- Invite the UN and the AU Special Rapporteurs on extrajudicial, summary or arbitrary executions, UN Special Rapporteur on Freedom of Association and Peaceful Assembly and the AU Special Rapporteur on Freedom of Expression and Access to Information to visit the country
- Invite the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the AU Chairperson of the Committee against Torture in Africa to visit the country
- Uphold the right to freedom of expression, association and peaceful assembly by allowing civil society groups and opposition parties to organize and hold meetings, public gatherings and demonstrations.
- Investigate and prosecute those responsible for the destruction of the radio stations on 13 and 14 May 2015.
- Amend the organic law on police and military to bring it into conformity with international human rights standards.
- Ensure that the security forces act in accordance with international standards regarding the use of force and firearms to respect and protect the right to life and physical integrity, in accordance with international instruments, including the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ensure that no person is subjected to arbitrary, secret or incommunicado detention, and that the rights of detainees are respected in all cases in accordance with international human rights law.[5]

[5] Additional recommendations are made in the Amnesty International reports mentioned in footnotes 2 and 3 above.

United Nations A/HRC/30/NGO/152

General Assembly

Distr.: General
25 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-16248(E)

Please recycle

Civilians continue to be at risk of human rights abuses by Boko Haram and human rights violations by state security forces[1]

Background

The conflict between the armed group Boko Haram and government security forces of Nigeria, Cameroon, Niger and Chad has devastated the lives of hundreds of thousands of civilians. Despite recent advances by Nigerian and regional armed forces, Boko Haram fighters continue to deliberately target civilians, while its leaders evade justice. At the same time, the response from government security forces, particularly in northern Cameroon and north-east Nigeria has been marred by serious violations of human rights and international humanitarian law

Despite recent commitments by President Buhari, Nigeria has not yet taken adequate steps to thoroughly and independently investigate crimes under international law and other serious human rights violations by its forces. Similarly, serious incidents of human rights violations and possible crimes under international law have not been effectively investigated in Cameroon.

Amnesty International recalls the High Commissioner's oral statement at the last HRC Session that expressed concerns about human rights abuses by Boko Haram and violations by Nigerian and Cameroonian security forces.[2] The High Commissioner's reports contribute to truth, justice and reparations to victims in affected countries. These reports are also vital to ensuring that the affected States meet their obligations under international law and the mass atrocities committed in the region remain on the international community's agenda.

In light of the ongoing crimes under international law by the parties to the conflict and the absence of justice for victims and their families, Amnesty International urges the HRC to renew its request for the Office of the High Commissioner for Human Rights (OHCHR) to continue regularly reporting to it on human rights abuses and violations committed in countries where Boko Haram operates.

Boko haram's attacks against civilians in Nigeria

Amnesty International has documented evidence of war crimes and crimes against humanity committed by Boko Haram, including murder, torture, rape, forced marriages and the recruitment of child soldiers.[3] Despite recent advances by Nigerian and regional armed forces, attacks by Boko Haram continue to be a daily feature of life in north-east Nigeria. Boko Haram attacks may have claimed the lives of at least 1,100 civilians since the start of June 2015, bringing the death toll to at least 3,400 civilians in 2015 alone.[4]

Boko Haram fighters have continued to attack towns and villages without military presence. In the raids documented by Amnesty International, Boko Haram gunmen frequently rounded up residents, shot those who tried to escape and executed men and boys. Fighters stole any supplies they needed and set fire to people's homes, shops and markets.

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[1] A longer version of this statement is available at https://www.amnesty.org/en/documents/afr44/2428/2015/en/

[2] "Oral Update on Boko Haram at the Human Rights Council 29th Session by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights" 1 July 2015 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16177&LangID=E&_sm_au_=iVVWF8DDfLjFQQQP#sthash.Ws2jjVkX.dpuf. [last accessed on 23 September 2015]

[3] Amnesty International "'Our job is to shoot, slaughter and kill' Boko Haram's reign of terror in north-east Nigeria" 14 April 2014 (AFR 44/1360/2015) available from https://www.amnesty.org/en/documents/afr44/1360/2015/en/. [last accessed on 23 September 2015]

[4] These figures are based on Amnesty International's analysis of credible media sources and data collected by human rights defenders, think tanks and academic institutions. See also the Armed Conflict Location and Event Data Project available from http://www.acleddata.com/data/realtime-data-2015/ [last accessed on 1 September 2015] and the Council on Foreign Relations "Nigeria Security Tracker" available from http://www.cfr.org/nigeria/nigeria-security-tracker/p29483. [last accessed on 1 September 2015]

One of the most lethal attacks in recent months occurred on 2 July when Boko Haram fighters killed more than 120 civilians in a raid on Kukawa town, Borno State.[5] An eyewitness told Amnesty International how Boko Haram fighters ordered residents out of their homes and assembled approximately 58 people outside the village head's house.[6] The gunmen told the people to lie down on the street and shot them. Others were shot in their homes or as they tried to flee. Boko Haram set fire to buildings before leaving.

Bomb attacks also continue to kill and cause injury to civilians across north-east Nigeria. They have routinely targeted locations with no military objective, including markets, transport hubs, bars, restaurants and places of worship. While Boko Haram has not claimed responsibility for all of these attacks, Amnesty International believes, based on analysis of the pattern of attacks as well as information gathered from witnesses and human rights defenders, that the bombings fit the group's methods and targets. Since the start of June 2015 Amnesty International has documented 14 bomb attacks in Nigeria, which killed at least 222 people.

According to eyewitnesses, Boko Haram used young women and girls as suicide bombers in many of the incidents. Such accounts corroborate testimony received by Amnesty International that Boko Haram has trained women and girls in the use of explosives.

Boko Haram's attacks against civilians in Cameroon

Amnesty International has also documented crimes under international law and human rights abuses by Boko Haram in northern Cameroon.[7] Amnesty International documented raids by Boko Haram on the towns of Amchide on 15 October 2014 and Bia on 17 April 2015. In the attack on Amchide at least 30 civilians were killed, many as a result of deliberate targeting, as well as indiscriminate fire by Boko Haram fighters. Boko Haram also destroyed civilian property including a school, a church, a mosque and a health centre. When Boko Haram gunmen attacked Bia town, they deliberately targeted civilians, killing dozens, and methodically set fire to houses, destroying at least 150.

There have also been suicide bomb attacks in the Far North region of Cameroon. Suicide bomb attacks targeted the city of Maroua on 22 and 25 July 2015. At least 33 civilians were killed in these attacks. Dozens more have been killed in other suicide attacks in Fotoko and Kerawa.

Media reports suggest that at least 380 civilians may have been killed in Cameroon by Boko Haram since January 2014, including more than 150 since 1 June 2015.

Lack of accountability for violations committed by Nigerian security Forces

In the course of security operations against Boko Haram, Nigerian military forces have committed serious human rights violations, war crimes and acts which may constitute crimes against humanity. On 3 June 2015, Amnesty International released a report that documented shocking levels of deaths in military custody, extrajudicial executions, torture, unlawful detention and arbitrary arrests by the military.[8] The report named current and former military officers who should be investigated for their potential individual and command responsibility for these crimes.

In response to the report, Nigeria's President, Muhammadu Buhari, pledged to investigate these crimes, in accordance with Nigeria's obligations under national and international law, and to bring them to an end. However, Amnesty International is not aware of any action taken in the last three months to initiate these investigations. The conflict's thousands of victims, as well as their relatives, continue to wait for justice.

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[5] Amnesty International interviews with three eyewitnesses, July 2015.

[6] Amnesty International interview with an eyewitness, July 2015.

[7] Amnesty International "Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram" 16 September 2015 (AFR 17/1991/2015) https://www.amnesty.org/en/documents/afr17/1991/2015/en/ [last accessed on 23 September 2015]

[8] Amnesty International "Stars on their shoulders. Blood on their hands. War crimes committed by the Nigerian military" 3 June 2015 (AFR 44/1657/2015) https://www.amnesty.org/en/documents/afr44/1657/2015/en/ [last accessed on 23 September 2015]

Violations by Cameroonian security Forces

Amnesty International has documented crimes under international law and human rights violations committed by Cameroon's state security forces, including mass arbitrary arrests, extrajudicial killings, excessive use of force, enforced disappearances, deaths in custody and inhumane and degrading treatment.[9] These violations reached their peak between October 2014 and March 2015, corresponding to a peak in the intensity of Boko Haram attacks.

Since 2014, Cameroonian security forces have arrested over 1,000 people suspected of supporting Boko Haram. Most were arrested in mass "cordon-and-search" operations where security forces rounded up dozens, sometimes, hundreds of men. Amnesty International has documented mass arrests of suspected Boko Haram members in the city of Maroua, and in the villages of Magdeme, Doublé, and Guirvidig.

Amnesty International has documented poor detention conditions in Maroua Prison including chronic overcrowding, inadequate food, lack of drinking water, limited medical care, and deplorable hygiene and sanitation. As a result of these conditions, suspects have died in detention, with at least 40 dying between March and May 2015.

Recommendations

The work of the HRC is essential in supporting the efforts of affected States to meet their obligations under international law and ultimately to ensuring that the conflict's victims can learn the truth and access justice. In this regard, Amnesty International urges the HRC to:

- Ensure that the HRC be kept regularly informed of developments on the ground, including by requesting OHCHR written reports on the violations and abuses in countries where Boko Haram is operating to the HRC's thirty-first and thirty-third sessions;
- Ensure that HRC deliberations and requests for reports explicitly address human rights violations committed by state security forces and state-sponsored militia, as well as progress made in pursuing truth, justice, reparation and guarantees of non-recurrence; and
- Urge the governments of Nigeria and Cameroon to urgently initiate thorough, independent, impartial and transparent investigations into crimes under international law by all parties to the conflict.

[9] Amnesty International "Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram" 16 September 2015 (AFR 17/1991/2015) https://www.amnesty.org/en/documents/afr17/1991/2015/en/ [last accessed on 23 September 2015]